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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,333	12/14/2001	Steven L. Trulaske SR.	TRUE 8146US	8110
1688	7590	10/24/2003	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI			FORD, JOHN K	
763 SOUTH NEW BALLAS ROAD			ART UNIT	
ST. LOUIS, MO 63141-8750			PAPER NUMBER	

3753

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,333

Applicant(s)

Trulaski, Jr.

Examiner

FORD

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-30-03
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 18, 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16, 17, 20-23, 25-28 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16, 17,20 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no original descriptive support for "a replacement reversible condenser fan motor electrically connectable to the fan blade in the same manner as the original condenser fan motor" (emphasis supplied). At best the replacement motor is somehow mechanically coupled to the fan.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22,23, and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over anticipated JP '366,

See Figure 8 and the description thereof. The forward and reverse speeds in JP'366 are apparently the same but there is nothing in claim 22 which states they must be different.

Claims 16,20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 22 above, and further in view of Brown et al. (USP 3,022,639) or the Mallory M179 prior art defrost timer disclosed on page 11, lines 5 – 9.

To have used a conventional electromechanical timer which are ubiquitous in this field to monitor compressor run time instead of a microcomputer such as disclosed by JP'366 to reduce cost and increase tolerance to surge currents on the line would have been obvious.

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Regarding claim 16, the Examiner maintains, having been taught the essential nature of the invention by JP'366 and other prior art, that it would not have been inventive to have offered a kit of parts used to retrofit an existing refrigeration system made by True Manufacturing with a well known type of condenser cleaner. In this regard the Examiner's takes official notice of many retrofits available to modify existing refrigeration equipment with new features. For example, many kits exist to modify existing R-12 refrigeration systems to accept the new refrigerate R-134A. These kits include new seals, fitting etc. to make the conversion, which the Examiner can attest to personal knowledge of.

Here, the examiner maintains it would have been obvious to have offered a bag parts necessary to effect conversion of the prior ^{art} True refrigerator to have a reverse air condenser cleaning system as taught by JP'366. Note JP'366 explicitly teaches replacing the condenser-use fan 1A with a reversible one.

Claims 17, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 16 and 22 above, and further in view of Uemura or Harms *et al.*

Both Uemura and Harms teach SSC motors which would have been obvious to use in the JP'366 system to avoid the periodic necessity to change brushes in a commutated type motor.

Both also teach AC to DC converters, which are required since DC power is required for their operation.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 26 above, and further in view of Van Gils or JP 11-201691.

Vans Gils teaches a higher motor speed during reverse operation to aid in cleaning in col. 1, lines 58-61. JP'691 teaches the same at top of page 4. To have used a higher motor speed in reverse operation in JP'366 to advantageously improve cleaning would have been obvious in view of either teaching.

Claims 1-15 are allowed.

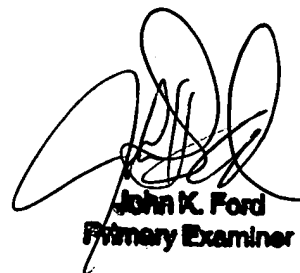
Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



John K. Ford
Primary Examiner